

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Andhra Pradesh Medical & Health Services - Dr. K.Madhukar Varma, formerly working as District Leprosy Officer (now retired), Khammam - Allegations of corruption, misappropriation and malpractice stated to have been committed by him - Disciplinary action initiated - Dropping the further action - Orders - Issued.

HEALTH, MEDICAL AND FAMILY WELFARE (VC.II.2) DEPARTMENT

G.O.Rt.No. 1677

Dated: 05-11-2008.

Read the following:

1. From the Registrar, Institution of Andhra Pradesh Lok Ayukta and Upa- Lok Ayukta, Hyderabad, Ir. Dis. No.1287/2001/B2/6193/2002, dated 10/12-07-2002.
2. Orders of the Hon'ble Upa-Lok Ayukta, dt.09-07-2002.
3. G.O. Ms.NO.350, GA (Services.C) Department, dt.08-08-2002.
4. G.O.Rt.No783, HM&FW (VC.II.2) Department, dt.27-08-2002.
5. Govt. Memo. No.15212/VC.II.2/2002-4, dated 23-11-2002.
6. Representation from Dr. Madhukar Varma, dated 16-01-2003.
7. G.O. Rt.No.1451, HM &FW (VC.II.2) Department, dt.18-11-2006.
8. Orders of Hon'ble High Court of A.P., in W.P. No.11805/2008 dated 28-08-2008.

O R D E R:

In the reference 1st read above, the complainant has filed complaint before the Hon'ble Lokayukta and Upa-Lokayukta containing certain allegations of corruption, misappropriation and malpractice against Dr.K.Madhukar Varma, formerly working as District Leprosy Officer, Khammam (now retired) and his staff including Sri P. Kistaiah, Para Medical Officer (now retired), Warangal.

2. In its orders 2nd read above, the Hon'ble Upa-Lokayukta has mentioned that on receipt of two anonymous complaints along with press clippings of certain daily news papers containing allegations of corruption, misappropriation and malpractice it had taken the above said petitions as suo motu complaint and got the matter investigated by the Director (Investigation) and identified certain officers as erred public servants and directed the Government to take necessary action.

3. Government after consideration of the recommendation of the Hon'ble Lokayukta, have placed Dr. K.Madhukar Varma, formerly working as District Leprosy Officer, Khammam under suspension vide reference 4th read above. Aggrieved, by the above suspension orders, Dr. K.Madhukar Varma, has filed a C.A.No.615/2006 in O.A.NO.456/2006 in A.P. Administrative Tribunal and as per the orders of the A.P. Administrative Tribunal, the Government have revoked the suspension orders against Dr. K. Mdhukar Varma pending

(P.T.O.)

disciplinary action, vide reference 7th read above. Further, as and when any investigation report is directly received from the Office of the Lokayukta with a direction for necessary disciplinary action, necessary Show Cause Notice could be straight away issued without further enquiry, as per G.O.Ms.No.350, General Administration (Services.C) Department, dt.8-8-2002 as amended rule 27 of A.P. Civil Services (Classification, Control and Appeal) Rules, 1991. Accordingly, Government in the reference 5th read above, have issued a show cause notice to Dr.K.Madhukar Varma, calling his explanation for imposition of suitable punishment on him duly sending him a copy of the report of Lokayukta and Upalokayukta. In reply Dr. K.Madhukar Varma has submitted his explanation in the reference 6th read above.

4. The Government have carefully examined the explanation of Dr.K.Madhukar Varma, and felt that there were no merits in his explanation, as he had committed corruption, misappropriation and malpractice which was proved beyond reasonable doubt in the investigation and decided to impose the penalty on Dr. Madhukar Varma formerly working as District Leprosy Officer, Khammam and presently working as Senior Medical Officer, Sample Survey-cum-Assessment Unit (Leprosy), Warangal.

5. In the mean while, Dr. K.Madhukar Varma, District Leprosy Officer filed an O.A.No.3096/2007 and the A.P. Administrative Tribunal in its interim orders dated 01-06-2007 directed the Government "to maintain status quo". The Government has filed necessary counter and the Hon'ble Tribunal has passed final orders in O.A.No.3096/2007 with VMA No.494/2007, dated 18-12-2007 "setting aside" the action of Government for issuing a direct show cause notice, instead of issuing a Charge Memo initially, under rule 20 of A.P. Civil Services (Classification, Control and Appeal) Rules, 1991. In the mean while, Dr. K.Madhukar Varma, District Leprosy Officer was retired from service on 31-11-2007.

6. In view of the above orders of Hon'ble Tribunal, Government after careful examination, decided and filed a W.P.No.11805/08 in Hon'ble High Court, against the above orders of A.P. Administrative Tribunal in O.A. No.3096/2007 with VMA No.494/2007, dated 18-12-2007.

7. In the reference 8th read above, the High Court of Andhra Pradesh in its orders dated 28-08-2008 in W.P. No.11805/08 passed the following orders:

"It is clear that the disciplinary authority failed to conduct the disciplinary proceedings as per the A.P. Civil Services (Classification, Control and Appeal) Rules, 1991 by issuing a charge Memo. and conducting inquiry, that apart, though the disciplinary proceedings were instituted in 2002, till 2007, no final orders was passed. In the circumstances, we do not find any infirmity or illegality in the orders passed by the Tribunal warranting interference by this Court under Article 226 of the Constitution of India. Therefore, the Writ Petition is dismissed".

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8. In the light of the both the orders of Hon'ble Tribunal in O.A. No.3096/07 with VMA No.494/07 and the orders of Hon'ble High Court of Andhra Pradesh, in W.P. No.11805/08 dated 28-08-2008. Government after careful consideration have decided to comply with the court orders and to drop further action in the matter against Dr. K.Madhukar Varma, Senior Medical Officer, Sample Survey-cum-Assessment Unit (Leprosy) (Retired), Warangal. Accoridngly, further action against Dr. K.Madhukar Varma, Senior Medical Officer, Sample Survey-cum-Assessment Unit (Leprosy) (Retired), Warangal is hereby dropped.

9. The Director of Health, A.P. Hyderabad shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**DR. VIJAY KUMAR
EX-OFFICIO SECRETARY TO GOVERNMENT**

To

Dr. K.Madhukar Varma, Senior Medial Officer,
Sample Survey-cum-Assessment Unit (Leprosy) (Retired),
Warangal through Director of Health, A.P. Hyderabad.

The Director of Health, A.P. Hyderabad.

The A.P. Vigilance Commission, Hyderabad

(with reference to letter No.89/VC.E2/2003-4, dated 4-11-2008).

The Health, Medical & Family Welfare (B) Department.

PS to Minister (H&FW).

PS to Ex-Officio Secretary to Government.

SF/SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER